

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

Civil Action No. 41-1395 (WCC)

~~PROPOSED~~
STIPULATION AND ORDER

In the matter of the Application for the
Determination of Reasonable License Fees for
Performances via Wireless and Internet
Transmissions by

MOBITV INC. f/k/a IDETIC, INC.

IT IS HEREBY STIPULATED AND AGREED, by and among the American Society of Composers, Authors and Publishers ("ASCAP") and MobiTV Inc. f/k/a Idetic, Inc. ("MobiTV") (collectively, the "Parties") that:

1. The Parties shall complete fact discovery by **May 18, 2009**, provided that the Parties shall serve no additional written discovery requests on each other and shall notice no further depositions of one another beyond that discovery which already has been served, noticed or subpoenaed as of the date of this Proposed Stipulation and Order. For the avoidance of ambiguity, neither party shall be precluded from seeking to follow up with the other in respect of follow-up discovery that it believes is due based on prior requests propounded to the other party; nor shall any party be prevented by the foregoing

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from seeking to obtain appropriate discovery from third parties prior to the close of the fact discovery period;

2. On or before **May 18, 2009**, the Parties shall disclose their experts in accordance with Rule 26 of the Federal Rules of Civil Procedure;

3. On or before **June 4, 2009**, ASCAP shall serve any initial expert reports on MobiTV;

4. On or before **July 2, 2009**, MobiTV shall serve any initial or rebuttal expert reports on ASCAP;

5. On or before **July 23, 2009**, ASCAP shall serve any expert rebuttal reports on MobiTV;

6. On or before **August 6, 2009**, MobiTV shall serve any expert rebuttal reports on ASCAP;

7. The Parties shall complete expert discovery by **August 28, 2009**;

8. The Parties shall file any Court-approved dispositive motions on or before **September 15, 2009**; dispositive motion response briefs shall be filed by **October 6, 2009**; and, dispositive motion reply briefs shall be filed by **October 13, 2009**;

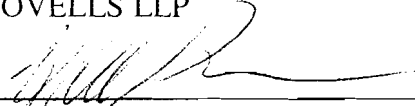
9. The Parties shall appear for a pretrial conference on **October 16, 2009, at 10:15 a.m.**

Nothing in this Scheduling Order shall prevent either party from asking the Court to set additional dates or otherwise modify this Scheduling Order.

The parties, by their counsel, hereby consent to the foregoing Order:

Dated: New York, New York
April 20, 2009


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Dated: New York, New York
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April 20, 2009


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Attorneys for MobiTV, Inc.

SO ORDERED.

Dated: White Plains, New York
April 22, 2009


Sr. United States District Judge